

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**PLAINTIFF THE CADLE COMPANY'S OPPOSED MOTION FOR EXPEDITED
BRIEFING AND CONSIDERATION OF OPPOSED MOTION TO EXTEND
DEADLINES IN PARAGRAPH 2 OF SCHEDULING ORDER**

Plaintiff The Cadle Company (“Cadle” or “Plaintiff”) files this Opposed Motion for Expedited Consideration of Cadle’s Opposed Motion for Extension of Deadlines in Paragraph 2 of Scheduling Order [Doc. 36] (“Motion for Extension”), which Cadle filed on March 16 2015. Cadle respectfully seeks expedited briefing and consideration on its Motion for Extension. Cadle respectfully asks the Court to order Defendants¹ to respond to Cadle’s Motion for Extension by Thursday, March 19, 2015. Cadle will file its reply, if any, on or before Friday, March 20, 2015. In support of this motion, Cadle would respectfully show the Court as follows:

1. On December 17, 2014, the Court tentatively approved the parties' proposed Scheduling Order pending the March 25, 2015 initial pretrial conference. [Doc. 31].

¹ “Defendants” collectively refers to Thomas Keyser, the Law Offices of Thomas G. Keyser, P.C., Michael Colvard, Martin & Drought, P.C. f/k/a Martin, Drought & Torres, Inc., Jesse R. Castillo, G. Wade Caldwell, and Barton, East & Caldwell, PLLC.

2. Under Paragraph 2 of the current Scheduling Order [Doc. No. 29], the deadline for parties asserting affirmative relief (Cadle) to serve written expert reports and to file a list of potential witnesses, testifying experts, and proposed exhibits is March 25, 2015 (the same date as the initial pretrial conference). The current deadline for parties resisting affirmative relief (Defendants) to serve and file these materials is two months later, May 25, 2015.

3. On March 17, 2015, Cadle filed its Motion for Extension. For the reasons more fully explained in the Motion for Extension, Cadle respectfully requests the Court to extend the deadlines in Paragraph 2 of the current Scheduling Order from March 25, 2015 to May 7, 2015 for parties asserting affirmative relief (Cadle), and from May 25, 2015, to June 8, 2015, for parties resisting affirmative relief (Defendants). These extensions will not delay any other deadlines or impact the timetable established in the current Scheduling Order, which the Court tentatively approved pending the March 25, 2015 initial pretrial conference.

4. Cadle requests expedited consideration of the Motion for Extension because the first deadline to which the motion relates is on March 25, 2015, which is also the day of the scheduled initial pretrial conference.

5. On March 6, 2015, Defendants refused to agree to the extensions proposed in Cadle's Motion for Extension. Cadle promptly requested Defendants to provide dates on which they could be deposed through March 24 so that Cadle's expert could have their testimony when forming opinions in this case. As explained in the Motion for Extension, however, it was simply not feasible to coordinate the parties' and attorneys' schedules to get the depositions accomplished prior to the expert report deadline. In fact, some Defendants never provided any proposed deposition dates at all, despite Cadle providing over a week for Defendants to provide dates.

6. Defendants² now also oppose the instant motion for expedited consideration, forcing Cadle to seek additional relief from the Court. Defendants contend that the expedited briefing schedule motion imposes hardships or burdens in light of their other (unspecified) commitments.

7. Accordingly, Cadle requests that the Court order the parties to conform to an expedited briefing schedule, set the deadline for Defendants to respond to Cadle's Motion for Extension at Thursday, March 19, 2015, and set the deadline for Cadle to file a reply, if any, at Friday, March 20, 2015. Cadle further requests that the Court set a hearing on Cadle's Motion for Expedited Consideration or otherwise consider the motion on an expedited basis.

Respectfully submitted,

By: /s/ Jeffrey S. Lowenstein
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**ATTORNEYS FOR PLAINTIFF
THE CADLE COMPANY**

² As of the filing of this motion, Castillo has not stated whether he opposes the instant motion. Cadle presumes that Castillo is opposed to the instant motion, but will advise the Court if Castillo states he is not opposed.

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

THE CADLE COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
THOMAS G. KEYSER, LAW OFFICES OF THOMAS G. KEYSER, P.C., MICHAEL G. COLVARD, MARTIN & DROUGHT, P.C. F/K/A MARTIN, DROUGHT & TORRES, INC., JESSE R. CASTILLO, G. WADE CALDWELL, BARTON, EAST & CALDWELL, P.L.L.C.	§	Civil Action No. 1:14-cv-00758-LY
	§	
	§	
	§	
Defendants.	§	
	§	
	§	

**ORDER GRANTING PLAINTIFF'S MOTION FOR EXPEDITED BRIEFING AND
CONSIDERATION OF PLAINTIFF'S MOTION TO EXTEND DEADLINES IN
PARAGRAPH 2 OF SCHEDULING ORDER**

On this date, the Court considered the Plaintiff The Cadle Company's ("Plaintiff") Opposed Motion for Expedited Briefing and Consideration of Plaintiff's Opposed Motion to Extend Deadlines in Paragraph 2 of Scheduling Order [Doc. 37] (the "Motion"). After considering the Motion and applicable law, the Court is of the opinion that the Motion should be GRANTED. It is, therefore,

ORDERED that Plaintiff The Cadle Company's Opposed Motion for Expedited Briefing and Consideration of Plaintiff's Opposed Motion to Extend Deadlines in Paragraph 2 of Scheduling Order is hereby GRANTED. It is further,

ORDERED that Defendants Thomas Keyser, the Law Offices of Thomas G. Keyser, P.C., Michael Colvard, Martin & Drought, P.C. f/k/a Martin, Drought & Torres, Inc., Jesse R. Castillo, G. Wade Caldwell, and Barton, East & Caldwell, PLLC shall file their responses to

Plaintiff's Opposed Motion to Extend Deadlines in paragraph 2 of Scheduling Order by March 19, 2015, and Plaintiff shall file its reply, if any, by March 20, 2015. If is further,
ORDERED that Plaintiff's Opposed Motion to Extend Deadlines in paragraph 2 of
Scheduling Order will be considered on an expedited basis.

SO ORDERED.

Dated March ___, 2015

LEE YEAKEL
UNITED STATES DISTRICT JUDGE